

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

NOVEMBER 3, 2005

The Marlboro Township Council held a Special Executive Session at 7:30 PM before the regularly scheduled Council Meeting of November 3, 2005 at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meeting Act, notice of this special executive session was faxed to the Asbury Park Press, the Star Ledger and News Transcript on October 25, 2005; posted on the bulletin board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor (7:45PM), Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andy Bayer, Esq., Township Planner Jennifer Beahm, Municipal Clerk Alida DeGaeta and Deputy Municipal Clerk Deborah Usalowicz.

At 7:35PM, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing litigation. This was seconded by Council Vice President Morelli, and passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2005-442

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 3rd day of November, 2005 to go into executive session for the purpose of discussing those items that are particularly

exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:25PM, Councilman Denkensohn moved that the executive session be opened. This was seconded by Council Vice President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

The Marlboro Township Council held a regularly scheduled Council meeting on November 3, 2005 at 8:30 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Council President Pernice moved that the minutes of Sept. 26th and Oct. 11th be approved. This motion was seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor with Councilman Mione abstaining.

Council President Pernice moved that the minutes of Oct. 6th be approved. This motion was seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor with Council Vice President Morelli abstaining.

Council President Pernice moved that the minutes of Oct. 20th be approved. This motion was seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

Council President Pernice opened the Public Hearing on Ordinance # 2005-48 (Amend Fees - Bulk Variances). After the Public Hearing was held and closed, the following Resolution # 2005-443/Ord. # 2005-48 (Amend Fees - Bulk Variances) was introduced by reference, offered by Council Vice President Morelli, and seconded by Council President Pernice. There was a brief discussion between Township Engineer James Priolo, Andy Bayer, Esq. and Council members. After discussion, the resolution/ordinance was passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-443

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-48

AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS LAND USE FEES ESTABLISHED BY CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on October 20, 2005, public hearing held November 3, 2005, be adopted on second and final reading this 3rd day of November, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-54 (Amend Fee for Use of Bulk Drop-off Center - Senior Discount). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-444/Ord. # 2005-54 (Amend Fee for Use of Bulk Drop-off Center - Senior Discount) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-444

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-54

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 62 "FEES," ARTICLE III "MUNICIPAL SERVICES," SECTION 62-4 "FEES" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on October 20, 2005, public hearing held November 3, 2005, be adopted on second and final reading this 3rd day of November, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law. The following Resolution # 2005-445/ Ordinance # 2005-55 (Amend Chapter 84 - C-1) was introduced by reference, offered by Councilman Mione, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-445

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-55

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-50 OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS, ZONING STANDARDS AND REGULATIONS, C-1 VILLAGE COMMERCIAL

DISTRICT" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW
JERSEY TO LIMIT THE SIZE OF PERMITTED USES

be introduced and passed on first reading and that the
same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered
for final passage on December 15, 2005 at 8:00 p.m. at the
Marlboro Municipal Complex, 1979 Township Drive, Marlboro,
New Jersey, at which time all persons interested will be
given an opportunity to be heard concerning said
ordinance.

ORDINANCE # 2005-55

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-50 OF
CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS,
ZONING STANDARDS AND REGULATIONS, C-1 VILLAGE COMMERCIAL
DISTRICT" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW
JERSEY TO LIMIT THE SIZE OF PERMITTED USES

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township
of Marlboro Planning Board undertook a general
reexamination of the Township of Marlboro Master Plan and
development regulations; and

WHEREAS, on February 2, 2005, the Planning Board
adopted a report entitled "Statement of Objectives and
Land Use Plan Element of the Marlboro Township Master
Plan" (the "Report") setting forth the findings of such
reexamination; and

WHEREAS, a resolution memorializing said adoption of
the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Township
Council adopted Ordinance 2005-26 on August 11, 2005, said
ordinance became effective on September 5, 2005, which
rezoned certain lots to the C-5 Community Commercial
District II along the Route 79 corridor and also limited
the size of permitted uses to 50,000 square feet in this
commercial zone; and

WHEREAS, the Township Council seeks to impose
uniformity to the size of commercial development along the
Route 79 corridor; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-50 (C) (1) be amended and supplemented to read in its entirety as follows:

(1) Permitted Uses. The following uses shall be permitted in the C-1 Village Commercial District provided that said uses do not exceed 50,000 square feet.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Township Engineer James Priolo was present to address all questions on the following bond releases.

Resolution # 2005-446 (Bond Release Famous Pino's Restaurant) was tabled to the November 14th Special Council meeting. Motion to table was made by Council President Pernice, seconded by Councilman Cantor, and was passed on a roll call vote of 3 - 0 in favor of tabling. (Absent: Denkensohn) Vice President Morelli recused herself from any discussion or vote on this matter.

The following Resolution # 2005-447 (Bond Release Lucas Brothers / Magnum Site Plan) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-447

A RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE
BOND AND CASH BOND FOR THE LUCAS BROTHERS
- MAGNUM SITE PLAN

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Lucas Development, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the project known as the Lucas Brothers - Magnum site plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 28, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon (1) the payment of all fees required by the Developer's Agreement and (2) the posting of a Maintenance Bond in the amount of \$8,590.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the project known as the Lucas Brother - Magnum site plan shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon (1) the payment of all fees required by the Developer's Agreement and (2) the posting of a Maintenance Bond in the amount of \$8,590.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Development, LLC
- b. Safeco Insurance Co.
- c. Township Engineer

- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2005-448 (Denial of Bond Release Ryan Road Plaza) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-448

A RESOLUTION DENYING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE RYAN ROAD PLAZA PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by WE2 Ryan Road, LLC for the release of the Performance Bond and Cash Bond being held by the Township for the project known as the Ryan Road Plaza Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 5, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends denying the release of the Performance Bond and Cash Bond being held by the Township pursuant to an inspection of the premises on October 4, 2005; and

WHEREAS, said inspection noted deficiencies which are enumerated in an inspection report (the "Inspection Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Inspection Report outlines various issues concerning landscaping and the need to file a deed restriction pursuant to a New Jersey Department of Environmental Protection Transition Area permit; and

WHEREAS, said issues are of a serious and important nature sufficient to warrant the continuance of the existing performance and cash bonds; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the project known as the Ryan Road Plaza Project shall not be released; and

BE IT FURTHER RESOLVED, that the matter shall be revisited upon re-inspection by the Township; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. WE2 Ryan Road, LLC
- b. Washington Intl. Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2005-449 (Bond Reduction Crine West) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-449

A RESOLUTION AUTHORIZING THE REDUCTION OF THE
PERFORMANCE BOND AND CASH BOND FOR THE
CRINE WEST SUBDIVISION

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro has received a request from Kara at Crine West, LLC for the reduction of the amount of the Performance Bond and Cash Bond being held by the Township for the Crine West Subdivision; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated September 16, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bonds and Cash Bond amounts being held by the Township, subject to 1) the payment of all fees required by the Developer's Agreement and 2) The receipt of an as-built drawing reflecting all improvements installed to date; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bonds and Cash Bond for the Crine West Subdivision shall be reduced as follows:

The Performance Bond #5006836, in the original and present amount of \$986,740.00, shall be reduced to \$434,165.60; and

The Performance Bond #5006837, in the original and present amount of \$2,364,108.55, shall be reduced to \$1,040,207.76

The Cash Bond, in the original and present amount of \$372,616.51, shall be reduced to \$163,819.27; and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to 1) the payment of all fees required by the Developer's Agreement and 2) the receipt of an as-built drawing reflecting all improvements installed to date; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Kara at Crine West, LLC
- b. Bond Safeguard Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP.

The following Resolution # 2005-450 (Cash Bond Release - McLaughlin) was introduced by reference, offered by Councilman Mione, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-450

A RESOLUTION AUTHORIZING THE RELEASE OF THE MAINTENANCE BOND FOR THE MCLAUGHLIN'S AUTO SERVICE CENTER SITE PLAN

WHEREAS, the Township of Marlboro received a request by McLaughlin's Auto Service Center for the release of Maintenance Bond posted in connection with the McLaughlin's Auto Service Center site plan; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated October 24, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Maintenance Bond being held by the Township; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Maintenance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Maintenance Bond posted for McLaughlin's Auto Service Center site plan be released in its entirety; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. McLaughlin's Auto Service Center
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution # 2005-451 (Mortgage Subordination - 161 Gordons Corner Road) was introduced by reference, offered by Councilman Mione, seconded by

Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-451

A RESOLUTION AUTHORIZING THE SUBORDINATION OF A
TOWNSHIP-HELD MORTGAGE RELATING TO THE PROPERTY
LOCATED AT 161 GORDONS CORNER ROAD (BLOCK
314, LOT 1 ON THE MARLBORO TOWNSHIP TAX MAP)

WHEREAS, Arthur and Alice Rabin (the "Owners") are the record owners of certain real property located at 161 Gordons Corner Road, more commonly known and designated as Block 314, Lot 1 (the "Property"), on the Marlboro Township Tax Map; and

WHEREAS, on or about November 13, 2002, the Owners granted to the Township a second mortgage (the "Township Mortgage") encumbering the Property to secure the payment of \$15,000.00 plus interest for purposes of participating in the Township of Marlboro Housing Rehabilitation Program, which was recorded on December 2, 2002 in Mortgage Book 8167 at Page 6083; and

WHEREAS, the intention of the Township Mortgage is to continue to secure the payment of expenses related to certain rehabilitation work which was performed at the Property pursuant to and in accordance with the Township's Housing Rehabilitation Program; and

WHEREAS, the Owners now desire to secure additional financing on the property by granting a mortgage to Financial Freedom Senior Funding Corporation, A Subsidiary of Indy Mac Bank, FSB (the "First Mortgage") and the Federal Department of Housing and Urban Development through an identical Federally Backed HUD mortgage (the "Identical Mortgage"); and

WHEREAS, the Property is currently encumbered with a mortgage granted to Sovereign Bank which is to be paid off by the proceeds of the "First Mortgage" and "Identical Mortgage"; and

WHEREAS, as a condition of approving said refinancing, Financial Freedom Senior Funding Corporation is requiring the Township of Marlboro to execute a Subordination Agreement acknowledging that, following the

execution of the "First Mortgage" and the "Identical Mortgage", the Township Mortgage would be subordinate to the "First Mortgage" and "Identical Mortgage"; and

WHEREAS, Administration and the Township of Marlboro Engineering Department have determined that there is sufficient equity in the refinancing to satisfy the Township Mortgage, if needed.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute the Subordination Agreement, attached hereto and made a part hereof, acknowledging that the Township Mortgage is subordinate only to the "New Mortgage" and "Identical Mortgage"; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. McGovern, Provost & Colrick
- b. COAH Coordinator
- c. Arthur and Alice Rabin
- d. Gluck Walrath, LLP.

The following Resolution # 2005-452 (Amending Brush Pick-up Dates Ending Nov. 4, 2005) was introduced as amended by reference, offered by Council President Pernice, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-452

A RESOLUTION CANCELLING THE DECEMBER 2005 BRUSH AND BRANCH COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Section 72-13 of the Code of the Township of Marlboro states that brush and branches will be collected pursuant to a schedule established by the Department of Public Works; and

WHEREAS, brush and branch collection is currently scheduled for December of 2005; and

WHEREAS, the Department of Public Works has advised the Township Council that the high demand for leaf collection, together with manpower shortages and adverse

weather conditions, have put a strain on the Department;
and

WHEREAS, the Department of Public Works has recommended that the December brush and branch collection for 2005 be cancelled so that the Department can concentrate on leaf collection.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, that the Township Council of the Township of Marlboro that the December 2005 brush and branch collection be and hereby is cancelled and that said services will resume in 2006 in accordance with a schedule established by the Department of Public Works in accordance with Section 72-13 of the Code of the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Director of Public Works
- b. Business Administrator
- c. Gluck Walrath, LLP

The following Resolution # 2005-453 (Authorizing Interlocal Agreement Mon. County - Salt) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-453

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO ATLANTIC SALT, INC. FOR THE PROVISION OF SODIUM CHLORIDE (ROCK SALT) FOR THE YEAR 2006

WHEREAS, the County of Monmouth has received a bid for the "Furnishing and Delivery of Sodium Chloride (Rock Salt) in Bulk for Various Monmouth County Locations" for the year 2006 from Atlantic Salt, Inc. of \$43.29 per ton; and

WHEREAS, in accordance with N.J.S.A. 40A:11-11(6), the County has provided Atlantic Salt, Inc. with the opportunity to extend its bid price to all Monmouth County municipalities; and

WHEREAS, Administration and the Director of Public Works recommend that the Township take advantage of the low price being offered by Atlantic Salt, Inc. by awarding a contract to Atlantic Salt, Inc. for the year 2006, for up to 2,000 tons of sodium chloride, for a total price of up to \$86,580.00, contingent upon said funds becoming available in the 2006 Township budget.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that, contingent upon the required funds becoming available in the 2006 Township budget, a contract be and hereby is awarded to Atlantic Salt, Inc. for the year 2006, for up to 2,000 tons of sodium chloride, for a total price of up to \$86,580.00 and in accordance with the bid submitted by Atlantic Salt, Inc. to the County of Monmouth and that the Mayor is authorized to execute a contract in this regard, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Atlantic Salt, Inc; and

BE IT FURTHER RESOLVED, that, when the required funds become available in the 2006 Township budget, the Chief Financial Officer is directed to file a Certificate of Availability of Sufficient Funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Gerri C. Popkin,
Monmouth County Director of Purchasing
- b. Atlantic Salt, Inc.
- c. Director of Public Works
- d. Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution # 2005-454 (Special Meeting - Nov. 14th - 8 PM - Finance Matters - Executive Session for Litigation and personnel) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-454

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Special Council Meeting will be held on November 14, 2005, at 8:00 p.m., at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746.

BE IT FURTHER RESOLVED that the purpose of this special meeting is to hold an executive session to discuss litigation and to take action on resolutions as may be necessary for the conduct of the finance business of the Township and such other action as may be necessary. Citizen's Voice will be limited to 15 minutes.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli, and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. #2005-455 (Authorizing State Contract - Modems - PD), Res. #2005-456 (Award of Contract - Court Surface Replacement Wicker Park), Res. #2005-457 (Award of Contract - Installation of Brick Pavers Walkway - Recreation), Res. #2005-458 (Res. #2005-458 - Authorization to Bid - Improvements to Swim Facility) - a.) Acquisition & Installation of Umbrellas, b.) Acquisition of Playground Equipment, c.) Acquisition of Bulkhead and d.) Construction of Pavilion, Res. #2005-459 (Reject & Rebid - Irrigation System) For Union Hill Park & Marlboro Soccer Complex, Res. #2005-460 - Reject Bid - Igoe Road Improvements, Res. #2005-461 - Redemption Tax Sale Certs. - Various, Res. #2005-462 (Veteran Deduction - B. 115, L. 18) and Res. #2005-463 - Widow of Veteran Deduction - B. 343, L. 6.

RESOLUTION # 2005-455

A RESOLUTION AUTHORIZING THE PURCHASE OF 20 CDMA MODEMS
FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE UNDER
STATE CONTRACT #A88804

WHEREAS, the CDPD modems currently used by the Township of Marlboro Division of Police will no longer function after December 31, 2005; and

WHEREAS, the Division of Police has received a proposal from Quality Communications of 1985 Swarthmore Avenue, Lakewood, New Jersey 08701 to supply it with 20 new CDMA modems to replace the Division of Police's

current CDPD modems for a total price of \$11,900.00 (\$595.00 per unit); and

WHEREAS, said modems shall be purchased under State Contract #A88804; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* allows goods to be purchased under a state contract without public bidding.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Division of Police be and hereby is authorized to purchase 20 new CDMA modems from Quality Communication of Lakewood, New Jersey for a total price of \$11,900.00 under State Contract #A88804; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications
- b. Division of Police
- c. Chief Financial Officer
- d. Township Administrator
- e. Gluck Walrath, LLP

RESOLUTION # 2005-456

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
MATEFLEX FOR THE PROVISION OF GOODS AND SERVICES IN
CONNECTION WITH THE BASKETBALL COURT SURFACE
RENOVATION AT WICKER PARK

WHEREAS, the Township of Marlboro Department of Recreation sought proposals from vendors for the basketball court surface renovation at Wicker Park (the "Project"); and

WHEREAS, three (3) proposals were received as follows:

1. Mateflex of 2007 Beechgrove Place, Utica, New York 13501 for a total of \$9,861.95;
2. Easton Too! Inc. of 4328 Firebrick Lane, Dallas, Texas 75287 for a total of \$17,876.25; and

3. Steen Associates Inc. of 80 Washington Place, Ridgewood, New Jersey 07450 for a total of 18,460.00; and

WHEREAS, Administration and the Director of Recreation have reviewed the proposals received and recommend that the contract be awarded to Mateflex; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, allows contracts under the bid threshold, but at least 15% of that threshold, to be awarded without public advertising and bidding only after the municipality obtains two or more competitive quotations, if practicable.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of the necessary goods and services for the Project be and hereby is awarded to Mateflex for a total amount not to exceed \$9,861.95 and that the Mayor is authorized to execute a contract between the Township of Marlboro and Mateflex in accordance with Mateflex's proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mateflex
- b. Director of Recreation
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

RESOLUTION # 2005-457

A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT TO TOP GREEN LANDSCAPING FOR THE
INSTALLATION OF A BRICK PAVERS WALKWAY FOR THE
TOWNSHIP OF MARLBORO RECREATION CENTER

WHEREAS, the Township of Marlboro Department of Recreation sought proposals from three vendors for the

installation of a brick pavers walkway for the Township of Marlboro Recreation Center (the "Project"); and

WHEREAS, two (2) proposals were received as follows:

1. Top Green Landscaping, LLC of 1025 Hope Road, Tinton Falls, New Jersey for a total of \$7,680.00; and
2. Robert O. Wendel & Sons, Inc. of 99 School Road West, Marlboro, New Jersey 07746 for a total of \$9,500.00; and

WHEREAS, Administration and the Director of Recreation have reviewed the proposals received and recommend that the contract be awarded to Top Green Landscaping; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, allows contracts under the bid threshold, but at least 15% of that threshold, to be awarded without public advertising and bidding only after the municipality obtains two or more competitive quotations, if practicable.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of the necessary goods and services for the Project be and hereby is awarded to Top Green Landscaping for a total amount not to exceed \$7,680.00 and that the Mayor is authorized to execute a contract between the Township of Marlboro and Top Green Landscaping in accordance with its proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Top Green Landscaping
- b. Director of Recreation
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP.

RESOLUTION # 2005-458

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Improvements to Swim Facility

- a. Acquisition & Installation of Umbrellas
- b. Acquisition of Playground Equipment
- c. Acquisition of Bulkhead
- d. Construction of Pavilion

RESOLUTION # 2005-459

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Irrigation System for Union Hill Park &
Marlboro Soccer Complex

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Irrigation System for Union Hill Park &
Marlboro Soccer Complex

as required by law.

RESOLUTION # 2005-460

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Igoe Road Improvements

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

RESOLUTION # 2005-461

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$19,698.96 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$19,698.96 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
05-2	107/1	Wachovia Bank, NA Cust./	\$15,360.81
29	Wicker Place	Phoenix Funding, PA1328P	
		123 South Broad Street	

RESOLUTION # 2005-462

WHEREAS, a Veteran deduction in the amount of \$250.00 has been allowed for the year 2005 for Block 115 Lot 18, located at 14 Orchard Parkway, assessed to Stephen & Kathy Brzyski,

WHEREAS, taxes for the year 2005 have an unpaid balance on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2005-463

WHEREAS, a Widow of a Veteran deduction in the amount of \$250.00 has been granted for the year 2005 for Block 343 Lot 6, located on 11 Jacata Road, assessed to Bonnie J. Bornkamp,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to

apply the amount of \$250.00 to the above-mentioned taxpayer.

At 10:00PM, Councilman Cantor moved that the meeting be adjourned. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: December 15, 2005

OFFERED BY: Morelli AYES: 5

SECONDED BY: Denkensoh NAYS: 0

ABSTAIN:

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT

